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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,218	12/12/2003	Robert E. Shostak	2101418-991102	1759

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EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2618

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,218

Applicant(s)

SHOSTAK, ROBERT E.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-55 and 57-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-55 and 57-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 52-55 and 57-64 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the modified claims, as well as those added, Yacenda clearly shows means for receiving voice commands and carrying out locator functions based on these commands, see the rejection below.

Applicant's amendments have necessitated the new rejection based on the newly added claims, therefore this action is made final and prosecution is now CLOSED.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 52-55 and 57-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Yacenda et al (US 5,514,426).

Regarding claim 52, Yacenda discloses a system for locating a user of a wireless communications system wherein the wireless communications system has a central computer connected to one or more access points which communicate wirelessly with a badge associated with a user (Col. 2 lines 16-32), the system comprising: a badge having a microphone that accepts a voice based locate command (Col. 25 lines 25-54); means for determining based on the voice-based locate command the current access point being used for communications by the

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badge of the user being located (Col. 4 lines 44-62; Col. 25 lines 25-54); and means for generating a location indicator for the user wherein the location indicator is the name and location of the access point currently being used by the user. (Col. 14 lines 16-36)

Regarding claim 53, Yacenda discloses a method for locating a user of a wireless communications system wherein the wireless communications system has a central computer connected to one or more access points which communicate wirelessly with a badge associated with a user (Col. 2 lines 16-32), the method comprising: receiving a voice command to locate a user of the wireless communications system (Col. 14 lines 14-23); determining the access point currently being used for communications by the badge of the user based on a voice command (Col. 14 lines 24-31); and generating a location indicator for the user wherein the location indicator is the name and location of the access point being used by the user. (Col. 14 lines 32-36; Col. 25 lines 25-54)

Regarding claim 54, Yacenda discloses a system for locating a member of a group of a wireless communications system wherein the wireless communications system has a central computer connected to one or more access points which communicate wirelessly with one or more badges associated with one or more members of the group (Col. 2 lines 16-32), the system comprising: means for receiving a voice command to locate a member of a group; means for determining based on the voice command the current access point(s) being used (Col. 4 lines 44-62) for communications by the badge(s) of the one or more members of the group specified by a group location request (Col. 16 lines 1-20); and means for generating a location indicator for the member in the group (Col. 8 lines 31-59), wherein the location indicator is the name and location

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of the access point currently being used by the member of the particular group (Col. 16 lines 27-31). (Col. 25 lines 25-54)

Regarding claim 55, Yacenda discloses a method for locating a member of a group of a wireless communications system (Col. 15 lines 56-67) wherein the wireless communications system has a central computer connected to one or more access points which communicate wirelessly with one or more badges associated with one or more members of the group (Col. 2 lines 16-32), the method comprising: receiving a voice command to locate a member of a group of the wireless communications system (Col. 16 lines 1-20); determining based on the voice command the current access point(s) being used for communications by the badge(s) of the one or more members of the group specified by a group location request (Col. 16 line 20-23); generating a location indicator for the members in the group wherein the location indicator is the name and location of the access point currently being used by the members of the group. (Col. 16 lines 27-31) (Col. 25 lines 25-54)

Regarding claim 57, Yacenda discloses the system of claim 54, wherein the voice command to locate a member of a group further comprises a voice command to located a member of a group having a particular organizational structural role. (See group locate function, columns 15-17)

Regarding claim 58, Yacenda discloses the method of claim 55, wherein the voice command to locate a member of a group further comprises a voice command to located a member of a group having a particular organizational structural role. (See group locate function, columns 15-17)

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Regarding claim 59, Yacenda discloses the method of claim 52, wherein the name of the access point further comprises one of a building name, a floor name and a functional area name. (Col. 14 lines 29-36)

Regarding claim 60, Yacenda discloses the method of claim 53, wherein the name of the access point further comprises one of a building name, a floor name and a functional area name. (Col. 14 lines 29-36)

Regarding claim 61, Yacenda discloses the method of claim 54, wherein the name of the access point further comprises one of a building name, a floor name and a functional area name. (Col. 14 lines 29-36)

Regarding claim 62, Yacenda discloses the method of claim 55, wherein the name of the access point further comprises one of a building name, a floor name and a functional area name. (Col. 14 lines 29-36)

Regarding claim 63, Yacenda discloses a system for locating a member of a group of a wireless communication system wherein the wireless communication system has a central computer connected to one or more access points which communication wirelessly with one or more badges associated with one or more members of the group (Col. 2 lines 16-32), the system comprising: means for receiving a voice command to locate a member of a group wherein the one or more members of the group have a particular organizational structure role; means for determining based on the voice command, a current access point being used for communications by a badge of a member of the group that has the particular organizational structure role that is closest to a user that issued the voice command; and means for generating a location indicator for

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the closest member in the group wherein the location indicator is the name and location of the access point currently being used by the member of the particular group. (Col. 25 lines 25-54)

Regarding claim 64, Yacenda discloses a method a for locating a member of a group of a wireless communications system wherein the wireless communications system has a central computer connected to one or more access points which communicate wirelessly with one or more badges associated with one or more members of the group (Col. 2 lines 16-32), the method comprising: receiving a voice command to locate a member of a group of the wireless communications system wherein the one or more members of the group have a particular organizational structure role; determining, based on the voice command, a current access point being used for communications by a badge of a member of the group that has the particular organizational structure role that is closes to a user that issued the voice command; and generating a location indicator for the members in the group wherein the location indicator is the name and location of the access point currently being used by the member of the group. (Col. 25 lines 25-54)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

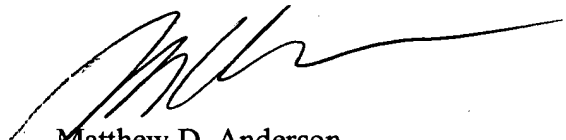
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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